

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 20, 2003
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. Dee Dee Evans, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 13, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS**RECOGNITION**

Police Officer Lamar Wallace was recognized.

Steve Lackey, Director of Public Works, was recognized.

Military Academy Appointees from the Wichita area were recognized.

Student Ambassadors to Cancun, Mexico, were recognized.

PUBLIC AGENDA**Delia Lopez – Performance Assessment Center.**

Amy Garcia Performance Assessment Center asked the City to support a fair and equitable RFP process.

Gary Ingram – Harassment.

Gary Ingram Gary Ingram, G.D. Hauling, spoke regarding alleged harassment and threats to cancel his contract by City personnel.

Marge Zakoura-Vaughan – Services at the Community and Neighborhood Level, with Special Emphasis on the Planeview Area.

Marge Zakoura-Vaughan Marge Zakoura-Vaughan expressed concern about the need to retain services at neighborhood and community levels – especially low-income areas such as Planeview. It appears that services are being cut to the most needy. Ms. Zakoura-Vaughan urged that the recreation center, public library, and health center be maintained in the Planeview area.

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NEW BUSINESS

ST. FRANCIS IRB

REDEMPTION OF HOSPITAL FACILITIES IMPROVEMENT AND REFUNDING REVENUE BONDS – ST. FRANCIS REGIONAL MEDICAL, INC. (DISTRICTS II, III, AND VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0519.

In 1992, City Council approved the issuance of a Hospital Facilities Improvement and Refunding Revenue Bonds in the aggregate principal amount of \$107,260,000, to refund previously issued revenue bonds. The bonds were issued in three separate subseries. Via Christi Regional Medical Center, Inc. as successor by merger to St. Francis Regional Medical Center, Inc. is requesting City Council approval to call, redeem, and pay prior to maturity all of the Outstanding Series III-A, 1992 Bonds.

Section 5.02 (b) of the Bond Indenture it provides that upon not less than 30 days notice to the bondholders, Bonds are redeemable in full on any date at a redemption price equal to the principal amount, plus the premium applicable to each subseries under the Bond Indenture, plus accrued interest to the date of redemption. Because the Bonds were issued as special revenue obligations of the City, the Bond Documents contemplate that any call for redemption will be issued by the City, upon instructions from the Tenant. Via Christi will provide the funds to cover all costs of the call. Prior to the July 11, 2003 redemption date, Via Christi will attempt to obtain as many of the Bonds as possible by a tender offer, in order to place them in a special purpose trust for a rate-swap transaction. Bonds acquired in the tender offer will not be "Outstanding" at the time the redemption occurs, and so will not be redeemed. They will become "Outstanding" again when transferred from Via Christi to the trust.

There is no financial impact to the City resulting from the proposed redemption. Because a significant portion of the Bonds are likely to be acquired in the tender offer and not redeemed, the City will continue to receive its annual administrative service fee as provided for under the Bond Documents.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-238

A Resolution of the governing body of the City of Wichita, Kansas, to call certain Hospital Facilities Improvement and Refunding revenue Bonds for redemption prior to maturity, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

BIG DOG IRB

TAXABLE INDUSTRIAL REVENUE BONDS, SERIES V, 2000, AND SERIES III, 2002 – BIG DOG MOTORCYCLES PROJECT; AND CONSENT TO EASEMENT. (DISTRICT I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0520.

Waterview Realty, L.L.C., an affiliate of Big Dog Motorcycles, and the Tenant under the Industrial Revenue Bond Leases for the City's Series V, 2000 and Series III, 2002 Bonds, has asked the City to consent to a utility easement to be granted to the City for sanitary sewer purposes, in connection with a proposed replatting of the financed project. The City must join in the grant of easement because it is the record owner of the project.

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Although the City holds legal title to the project as part of the Industrial Revenue Bond financing arrangements, the Bond Documents do not permit the City to consent to easements on the project unless certain procedural requirements are satisfied, including a request from the Tenant and a certification by the Tenant that the easement will not impair the effective use of the project and is not detrimental to the proper conduct of the Tenant's business. The Tenant has provided the appropriate request and certifications, together with a copy of the form of the proposed easement.

The execution and delivery of the proposed easement will be without cost to the City.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the Resolution consenting to the easement and authorizing necessary signatures be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-239

A Resolution consenting to creation of a utility easement, with respect to certain Industrial Revenue Bond Property financed with proceeds of Taxable Industrial Revenue Bonds, Series V, 2000 and Series III, 2002 (Big Dog Motorcycles Project), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

SANITARY SEWER

SANITARY SEWER MAIN TO SERVE AN AREA BOUNDED BY 29TH STREET NORTH, HOOVER, K-96, AND TYLER. (District V)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0521.

The City's Capital Improvement Program includes an ongoing project to extend sanitary sewer service to newly developing areas. One such area is bounded by 29th Street North, Hoover, K-96, and Tyler. The proposed project is the result of a sewer extension and service study of a large area in Northwest Wichita called Basin 4. The study is a joint effort of the City Engineer's Office, the Water and Sewer Department, and the Metropolitan Area Planning Department. The area is primarily comprised of new residential, retail, and office park additions. It will also serve a small area of older homes located west of Hoover, north of 29th. On March 18, 2003, the City Council referred the project to District V Advisory Board. The Board considered the proposal on April 7, 2003, and May 5, 2003. District V Advisory Board recommended approval.

The sewer main will connect to an existing line near 29th Street North and Ridge Road, extend north to 37th Street North, then branch west ¼ mile and east ½ mile along 37th Street North. Additional properties within the service area are being annexed. When the annexation process is complete, a revised project will be presented to the City Council to incorporate those properties into the assessment district.

The estimated project cost is \$5,000,000, with \$3,750,000 paid by the Sewer Utility and \$1,250,000 paid by Special Assessments. The estimated rate of assessment to individual properties is \$00.045 per square foot.

State Statutes provide the City Council the authority to order in sanitary sewer projects.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-240

Resolution of findings of advisability and resolution authorizing improving of Main 19, Southwest interceptor sewer, 468-83186, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DR2001-03

DR2001-03 – MCADAMS NEIGHBORHOOD REVITALIZATION PLAN – SOUTH OF 17TH STREET, WEST OF HYDRAULIC, NORTH OF CENTRAL, EAST OF MOSLEY. (District I)

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 03-0522.

In late 2000, the 21st Century Coalition for Neighborhood Revitalization (private/public stakeholders) was formed with the goal of eliminating all substandard housing within the McAdams neighborhood by the year 2020. To implement this goal, the Community Development Committee (a subcommittee) was formed with the task of developing a revitalization plan for the McAdams Neighborhood. The planning area was defined as 17th Street on the north; Hydraulic to Central on the east; Central Avenue on the south; and Mosley on the west. This area has also been targeted in the Wichita-Sedgwick County Comprehensive Plan as needing major revitalization efforts.

During the last two years, the Community Development Committee has worked with neighborhood stakeholders in development of a revitalization plan. A survey of substandard and dilapidated housing was undertaken in January 2001. A neighborhood meeting was held in the fall of 2001 for input and feedback on key issues and concerns from neighborhood stakeholders. In April 2002, a survey of neighborhood property owners was done to obtain information on key neighborhood concerns and ideas about future needs for the area. Based on information from the survey, the Committee identified six key planning issues, and created a vision statement for the neighborhood for the year 2020. Ten (10) plan goals were developed.

In August 2002, a neighborhood meeting was held on the proposed vision statement, the key planning issues, and the ten (10) goal statements. Strong support was expressed for the direction the Committee was taking in development of the Plan. The Committee held meetings with City/County staff and the Advanced Plans Committee of the Metropolitan Area Planning Commission in November 2002 to review progress on the Plan and receive comment and feedback. The Advanced Plans Committee was very supportive of the work that completed to-date.

In January 2003, three additional McAdams neighborhood meetings (350 attendees) were held for final comments on the proposed Plan. Strong support was shown for the Plan. Based on comments from neighborhood stakeholders, the Committee made minor modifications to the proposed Plan.

The McAdams Plan Committee developed a draft plan for the revitalization of the McAdams neighborhood that has broad-based neighborhood support, support from the two active neighborhood associations, and support from City and County officials. Presentations of the draft Plan were made to DAB I on April 7th, and to the Board of Park Commissioners on April 14th, and full endorsement was received from both Boards.

On April 24th, the Metropolitan Area Planning Commission unanimously passed a resolution adopting the McAdams Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

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The following is a summary of the McAdams Neighborhood Revitalization Plan:

- A vision statement that anticipates by the year 2020:
 1. Elimination of all substandard housing;
 2. Safe and attractive family neighborhood with a predominance of single family housing stock;
 3. Increase in the current population by approximately 445 people;
 4. Strong neighborhood organization;
 5. Residential and commercial infill/redevelopment; and,
 6. Neighborhood beautification initiatives.
- A strategic approach that addresses six neighborhood plan issues: neighborhood image and appearance; housing; community infrastructure and facilities; economic development; neighborhood safety; and community capacity.
- Neighborhood plan goals (10) to address the six neighborhood planning issues.
- Action plans (39) to implement the ten neighborhood planning goals.
- Future land use redevelopment concept to improve the physical character and desirability of the neighborhood.

Two options are now available to Council following Metropolitan Area Planning Commission adoption of the McAdams Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the McAdams Neighborhood Revitalization Plan as an amendment to the Comprehensive Plan.
- b) Others actions deemed appropriate by Council.

Plan adoption involves no funding commitment on the part of the City; however, the Plan does propose a number of physical improvements throughout the neighborhood over a 20 year period that would be eligible for funding through GO or CDBG sources. These improvements would need to be programmed into the City's CIP in the context of Citywide physical improvement projects and priorities.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed McAdams Neighborhood Revitalization Plan on April 24, 2003, with the required notice of public hearing published in the official City newspaper. The MAPC approved a resolution adopting the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan by a unanimous vote (10-0). The adopting Ordinance has been reviewed and approved as to form.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the McAdams Neighborhood Revitalization Plan be adopted as an amendment to the Wichita-Sedgwick County Comprehensive Plan, and the Ordinance be placed on first reading.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the McAdams Neighborhood Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

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ACH FACILITY

REQUEST TO WAIVE SPACING REQUIREMENTS FOR PLACEMENT OF AN ALTERNATIVE CORRECTIONAL HOUSING FACILITY AT 309 NORTH MARKET. (District VI)

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 03-0523.

The Alternative Correctional Housing Ordinance (Title 20.08 of the City Code) was first enacted by the City Council in October of 1996. In May of 2001, after months of public review and discussion, public hearings and review by District Advisory Boards and Alternative Correctional Housing Advisory Board, new spacing requirements were enacted for alternative correctional housing facilities having a sex offender population, and for any new alternative correctional housing facilities/locations, regardless of whether they had a sex offender population.

Section 20.08.120 of the Alternative Correctional Housing (ACH) Ordinance provides that any new alternative correctional housing facility may not be licensed if it is within 1,200 feet of various incompatible uses, including public or private preschools; elementary, middle and high schools; day care centers; public parks or playgrounds; private businesses that primarily serve children or youth under age 18; residences or agencies that provide on-site services to persons with developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

Section 20.08.130 of the ACH Ordinance sets forth appeal and hearing procedures relating to the granting or denial of any ACH license, with the ultimate decision regarding such appeals being placed with the City Council. Section 20.08.120(d) requires that appeals relating to the 1,200' spacing requirements be first assigned to the Alternative Correctional Housing Advisory Board for review, which shall conduct a public hearing and make a recommendation to the City Council. The City Council must consider the matter on the record, but is not required to conduct another public hearing.

On March 24, 2003, the Office of Central Inspection, in accordance with the Ordinance, denied an ACH license application for a proposed ACH facility to be located at 309 N. Market. The building at 309 N. Market has been vacant for approximately seven-eight months, having most recently housed the Sedgwick County Youth Prevention Program (SKYPP) administered by Sedgwick County. The ACH license application denial was made because the proposed location does not comply with the spacing requirements of the ACH Ordinance.

The March 24, 2003, Office of Central Inspection denial letter specifically listed the following incompatible uses (as set forth in Section 20.08.120 of the Ordinance), which are located closer than 1,200' to the proposed facility:

1. Mayor's Pine Grove Park – approximately 642 feet.
2. First United Methodist Church, 330 N. Broadway – daycare/preschool and disabled services – approximately 451 feet.
3. Catholic Charities Counseling Center, 425 N. Topeka – child/youth and disabled counseling – approximately 937 feet.
4. Samaritan Center Counseling, 334 N. Topeka – child/youth counseling and disabled services – approximately 865 feet.

On April 3, 2003, the applicant, ACP, Inc., filed an appeal of the denial in accordance with Section 20.08.130 of the Ordinance, and requested a hearing before the ACH Advisory Board with regard to the minimum spacing requirements.

On April 24, 2003, the ACH Advisory Board reviewed the appeal request and conducted a public hearing as required by Section 20.08.120(d) of the Ordinance. City staff, John Roe (owner of ACP, Inc.), and ACP, Inc. attorney Bob Kaplan provided testimony at the hearing. In addition, eight (8) other citizens, representing various businesses, churches, residences and social service organizations in the immediate area of 309 N. Market, also provided testimony to the ACH Advisory Board. All eight (8) of

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these speakers spoke in opposition to the proposed ACH facility at 309 N. Market. Two signed protest petitions and a resolution from the Wichita Downtown Development Corporation were also submitted to the ACH Board during its hearing, copies of which have been provided to the City Clerk.

After hearing testimony, asking questions of staff, the applicant and other speakers, and reviewing the appeal in detail, the ACH Board made a recommendation to deny the appeal, and to not grant any waiver or reduction to the ordinance spacing requirements based on the following general reasons:

1. The strict application of the spacing requirements will not work an injustice on the applicant as other more appropriate sites may be available, and because the applicant has indicated that they have no immediate need or requirement to move from their present location;
2. The spirit and intent of Section 20.08.120 would not be met if the spacing requirements were reduced or waived. The ACH Board motion noted that the Board spent well over a year reviewing the spacing issue, and conducted many meetings and public hearings on the matter to recommend adoption of the spacing requirements that are set forth in the ordinance.
3. The issue of sex offender placements and location has been an extremely significant issue for the ACH Advisory Board, and the Board has gone to great lengths to address the sex offender issue. ACP, Inc. has and continues to house a significant sex offender population at its present facilities.

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The Council's action on this matter will have no financial impact on the City.

The requirements of Title 20.08 have been followed as related to this appeal and its related notifications and hearing. The Ordinance does not require the City Council to conduct another public hearing on this matter.

- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Bob Kaplan Attorney representing APC, said opposition comes from persons who have moved into the area within the last 25 to 30 years. Comments were made at the hearing by individuals who made no effort to inform themselves of the situation. In fifteen years, the former Dodge House has not had one offense or incident. The residents don't drive, have a curfew, are monitored, have no visitors, and no funding of any public nature. APC needs a facility in proximity to judicial centers, counseling centers, public transportation, etc. If the waiver cannot be granted, then send the appeal back and give counsel an opportunity to respond to comments made at the Alternative Correctional Housing Board hearing.
- Maj. Charles Smith Salvation Army stated that the Salvation Army facility houses level five juvenile offenders, 24 emergency shelter units, and foster care with training for parents and children. Annually, 5,500 are served. The complaint regarding ACP is the population differences – youth vs. adult offenders. The closeness of proximity is of concern. The 1200' space requirement is to protect the youth.
- Catric Enright First United Methodist Church said the church has preschool, elderly, disabled as a vital part of the church. Children use the church Monday through Friday. The Religious Nurture Center tends to the disabled. There is a church playground on Broadway. If correctional housing is allowed, there would be an impact on the dynamics of the church.
- Vernon Just Attorney presented a protest petition against allowing a waiver. Mr. Just said he did not accept that there was no visitation. The facility draws people.
- Max Sands Protection One said he and his employees oppose a waiver.
- Joan Cole 323 North Market, former City Council Member, spoke against a waiver. Ms. Cole said she sat on the City Council and served on the ACH Board when the Ordinance was enacted. While sitting on the ACH Board, the only house that consistently received complaints was the Dodge House. Previous programs housed at 309 North Market were considerably different than that of the applicant.
- Nile Dilmore 1102 Jefferson spoke of concern about how the community will deal with community alternative correctional houses. Local treatment facilities are needed at a time when community-based alternatives are fast becoming necessary. Policies should be created for service providers to create and expand facilities.
- Ed Wolverton Downtown Development Commission said the DDC had adopted a resolution in opposition to changes or revisions to separation requirements.
- John Roe Owner of ACP (former Dodge House) in the 700 block of Topeka said the current facility is inadequate and not in a good location. Over the last seven years, the ACP House has never had a problem – or perceived problems were resolved. Complaints were just not true.
- Jerry Cole Jerry Cole said he goes to dialysis three times per week at very early hours. From personal experience, Mr. Cole said he can say the curfew is not working. People come around from the facility to the Quik Trip to panhandle.
- Council Member Fearey Council Member Fearey said the issue is not this facility. It is important for the residents to have a place to reside and a facility is needed to house sex offenders. The issue is whether or not to waive the rules – space requirements. The City has appointed a Reintegration Task Force and recommendations should be forthcoming from that Board.

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- Council Member Gray Council Member Gray said prison over-population must be placed in alternative correctional housing. The City has a responsibility to address the ACH need proactively and will have to deal with the situation in the near future. The City is fortunate that ACP is not going out of business.
- Motion -- Fearey moved that the City Council follow the Alternative Correctional Housing Advisory Board's recommendation to deny an appeal request from ACP, Inc. to waive the minimum 1,200' Ordinance distance separation requirement for the proposed Alternative Correctional Housing facility to be located at 309 North Market. Motion carried 7 to 0.
- carried

LIQUOR TAX

SPECIAL LIQUOR TAX FUND RENEWAL OF CONTRACTS.

- Cathy Holdeman Assistant City Manager reviewed the Item.
- The Special Liquor Tax Coalition has recognized a need to track clients after they receive services from City funded treatment programs to ensure that these clients and their family members receive the programs and services necessary to successfully reintegrate into society. The Coalition has also recognized the need for innovative prevention and treatment projects to address alcohol and substance abuse.
- On March 5, 2002, the City Council authorized staff to initiate competitive Request for Proposals (RFP) for case management services, which could be provided over a two-year period, and for innovative alcohol and substance prevention and treatment programs. The RFPs were issued and the Special Liquor Tax Coalition reviewed the proposals received and made funding recommendations to the City Council. On May 14, 2002, the Council funded a Miracles, Inc. case management project for a two-year period at \$491,243, with \$249,659 to be expended in the first year (ending on June 30, 2003) and \$241,584 allocated for the second year. Also on May 14, 2002 the Council funded five innovative projects at a total of \$258,757 for a one-year period ending May 31, 2002. An option to renew the contracts with the case management program and the innovative alcohol and substance prevention and treatment programs for an additional year is available. Over the previous contract period the Special Liquor Tax Coalition reviewed each program's outcomes and the Coalition recommends that each programs' contract be renewed at its full contract amount for an additional one-year period.
- The Council is being requested to approve renewal of the case manage contract with Miracles, Inc. for the second-year allocation of \$241,584. The Council is also being requested to approve renewal of all five innovative projects for an additional one-year period at their first year funding amounts.
- These innovative projects include: (1) Higher Ground (A Tiyospaye, Inc. Program) – funded at \$68,535 the project provides adventure based alcohol and drug education with challenge courses on-site at schools and other community organizations for children age 11-17.
- (2) Communities In Schools – funded at \$30,557 the project targets children age 10-12 who are currently receiving case management services through CIS and focuses on substance and alcohol abuse awareness and prevention and education for children and family members.
- (3) Center for Health and Wellness – funded at \$55,527 the Center teams with Addiction Specialists of Kansas to provide alcohol and drug treatment services for the under-served African American Community targeting those 18 and older. The services provided are part of the comprehensive education, prevention and treatment services provided at the clinic.
- (4) Regional Prevention Center – funded at \$76,394 the project targets youth and families from the New Hope program for families of incarcerated men and it targets youth and families from the Reclaim project for women in transition from incarceration, with the participants being primarily African American and Hispanic returning offenders and families. The project strengthens skills and positive connections to the community through parenting classes and the creation of a parent/resource family events program as a way to assist returning offenders in establishing connections to the community and practicing effective parenting skills.

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(5) Youth Development Services – funded at \$27,744 the project targets a multicultural group of parents and families to improve parenting skills and prevent substance abuse, social isolation, domestic violence, homelessness and child abuse and neglect through a Parent Action League. The project includes education and prevention services, case management services, and leadership training and other support services.

Funds are available in the Special Liquor Tax Fund to renew the Case Management Contract at \$241,584 and the five (5) innovative pilot projects totaling \$258,757. The contracts will not obligate general fund monies.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Mayans moved that the contract renewals be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ECONOMIC DEV.

ECONOMIC DEVELOPMENT STEERING COUNCIL FUNDING.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No.03-0525.

In 2002, the City, County, and the Chamber of Commerce sponsored a community-wide effort to develop a strategic plan for economic development in the Wichita region. A primary recommendation of the Strategic Economic Development Master Plan was the creation of an “Economic Development Strategic Council” to oversee/guide implementation of economic development activities in the Wichita area. Pursuant to the plan, the City Council appointed three (3) representatives to the Economic Development Steering Council, including the Mayor, the City Manager and Mr. Gary Hay.

An essential objective of the Economic Development Steering Council is to increase the financial participation of the private sector in the community’s economic development efforts. To this end, a fundraising consultant was engaged to analyze the fundraising potential of the private sector for economic development purposes. The Economic Development Steering Council has requested that the City assist in funding the consultant’s work.

The Economic Development Steering Council contracted with Capital Funding Strategies of Indianapolis in January of 2003 to perform a conceptual audit of the private sector’s fundraising capacity for economic development programs. Their objective was to assess the interest of business leaders in the proposed strategic plan for economic development and to determine their likely level of investment in a long range economic development program implemented by the Wichita Area Chamber of Commerce. The results were presented to the Steering Council in late February and have been provided to City staff and Council Members.

The fee for the service provided by Capital Funding Strategies was approximately \$22,000. Sedgwick County has agreed to contribute \$10,000 to the cost of the audit (over and above their annual contractual investment in the Chamber’s economic development program). In addition, seven private sector members of the Steering Council and two local banks have contributed \$8,500. The Steering Council’s request is for the City to pay the balance of the fee, \$3,406.71, as special “one-time” funding over and above the funding approved for the Chamber’s 2003 contract for economic development services.

If approved, funding for the Economic Development Steering Council’s consultant would be paid from the Economic Development Fund.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the special “one-time” funding for the Economic Development Strategic Council in the amount of \$3,406.71 be approved. Motion carried 7 to 0.

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MONITORING PLAN HYDROBIOLOGICAL MONITORING PLAN.

Jerry Blain

Water and Sewer Department reviewed the Item and answered questions of the City Council.

Agenda Report No. 03-0526.

On October 3, 2000, the City Council approved the implementation of the Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. On March 4, 2003, Council authorized a project to prepare a hydrobiological monitoring plan to evaluate the potential environmental impact of the projects included in the Plan.

The projects do not require an Environmental Impact Statement (EIS); however, the City wanted to do an EIS to provide assurance to the public that the City is committed to doing the water supply projects in a manner that causes little or no environmental damage. The EIS recommends that a Hydrobiological Monitoring (HBM) Plan be developed to monitor for any long-term environmental impacts associated with the projects.

Requests for Proposals were sent to sixty-two (62) vendors. One proposal was received, submitted by Burns and McDonnell. Staff reviewed the proposal and it meets all established qualifications and required standards in the RFP. Therefore, it is recommended that Burns and McDonnell be selected to prepare the Hydrobiological Monitoring Plan. A subsequent project will be initiated to conduct the hydrobiological sampling and analysis required to implement the plan.

The Contract will not exceed \$86,700. Funding is included in the CIP in W-549 (Water Supply Plan) that has \$7,620,000 allocated in 2003.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --

Mayans moved that the Contract be approved and the necessary signatures be authorized.

Substitute motion --
-- carried

Lambke moved a substitute motion that the Item be deferred two weeks for scope of work to be done and the time necessary to complete the work. Substitute motion carried 7 to 0.

CITY COUNCIL AGENDA

LIBRARY

PLANEVIEW LIBRARY CLOSURE.

This Item was pulled from the Agenda.

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER BREWER TO ATTEND NLC COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING IN TEMECULA, CALIFORNIA, MAY 29-31, 2003.

Motion -- carried

Mayans moved that the travel expenditures be approved. Motion carried 7 to 0.

APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER MARTZ TO ATTEND NLC HUMAN DEVELOPMENT STEERING COMMITTEE MEETING IN MOORHEAD, MINNESOTA, JUNE 19-21, 2003.

Motion -- carried

Mayans moved that the travel expenditures be approved. Motion carried 7 to 0.

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PROCLAMATION

PROCLAMATION - WORLD TRADE WEEK.

Motion – carried

Mayans moved that the Proclamation be approved. Motion carried 7 to 0.

APPOINTMENTS

APPOINTMENT TO THE JUVENILE CORRECTIONS ADVISORY BOARD (CURRENT APPOINTMENT EXPIRES JUNE 30, 2003).

Motion --
-- carried

Fearey appointed Ron Terzian (Juvenile Corrections Advisory Board) and moved that the appointment be approved. Motion carried 7 to 0.

APPOINTMENTS TO THE COMMUNITY CORRECTIONS ADVISORY BOARD (CURRENT APPOINTMENTS EXPIRE JUNE 30, 2003).

Motion --
-- carried

Fearey appointed Marvell Sosa and Bill Fox (Community Corrections Board) and moved that the appointments be approved. Motion carried 7 to 0.

BOARD APPOINTMENTS.

Motion --
-- carried

Martz appointed Charles Booley (Airport) and Barbara Baker (Library) and moved that the appointments be approved. Motion carried 7 to 0.

Motion --
-- carried

Schlapp appointed Phil Ryan (DAB II) and moved that the appointment be approved. Motion carried 7 to 0.

Motion --
-- carried

Brewer appointed Steve Trainer (Police and Fire), Ricky Coleman and Steve Roberts (DAB I alternates), and Lacy Gaither and Ti'Juana Hartwell (DAB I high school students) and moved that the appointments be approved. Motion carried 7 to 0.

CONSENT AGENDA

Mayans moved that that the Consent Agenda, except Item 29, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 19, 2003.

Bids were opened May 16, 2003, pursuant to advertisements published on:

Lateral 345 Four Mile Creek Sewer to serve Woodland Lakes Third Addition - north of Harry, west of 127th Street East. (468-83588/743986/480674) Does not affect existing traffic. (District II)

Nowak Construction - \$232,685.01

Lateral 320 Four Mile Creek Sewer to serve Brentwood South Addition - north of Pawnee, east of Webb). (468-83354/743981/480669) Does not affect existing traffic. (District II)

Mies Construction - \$77,533.00 (Negotiated to Engineer's estimate)

Storm Water Sewer #580 to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83551/751325/485216) Does not affect existing traffic. (District V)

Duling Construction - \$238,371.50

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Water distribution system to serve Brentwood South Addition - north of Pawnee, east of Webb. (448-89636/735121/470791) Does not affect existing traffic. (District II)

McCullough Excavation - \$35,950.00

Forestview from the north line of the plat, south to the north line of Lot 43, Block A; Forestview Court (Lots 5 through 18, Block A) from the west line of Forestview, west to and including the cul-de-sac; on Forestview Court (Lots 19 through 32, Block A) from the west line of Forestview, west to and including the cul-de-sac; Forestview Court (Lots 33 through 43, Block A) from the west line of Forestview, west to and including the cul-de-sac; Sidewalk on one side of Forestview to serve Liberty Park Addition - south of 13th Street North, east of 135th Street West. (472-83653/765768/490879) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$177,193.50

Storm Water Drain #192 to serve Tara Falls Addition - south of Harry, east of Greenwich. (468-83527/751328/485219) Does not affect existing traffic. (District II)

MCCA Construction - \$196,431.54

Hillside improvement, between 17th Street and 21st Street (472-83537 /706842/202308) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Construction - \$730,552.82

Aksarben from the north line of the plat, south to the north line of Ponderosa; on Ponderosa from the west line of Aksarben, east to the east line of the plat; Aksarben Court (Lots 1 through 6, Block A) from the west line of Aksarben, west to and including the cul-de-sac; on Aksarben Court (Lots 7 through 14, Block A) from the west line of Aksarben, west to and including the cul-de-sac; on Aksarben Court (Lots 1 through 10, Block D) from the east line of Aksarben, east to and including the cul-de-sac; on Aksarben Court (Lots 11 through 24, Block D) from the east line of Aksarben, east to and including the cul-de-sac; and on Ponderosa Court, from the north line of Ponderosa, north to and including the cul-de-sac; Sidewalk on one side of Aksarben and Ponderosa to serve Copper Gate Estates - south of 13th Street North, west of 135th Street West. (472-83669/765769/490880) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$219,436.20

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Lateral Cutter & Pipe Repair System. (184804)

LMK Enterprises, Inc. – \$69,980.00 (Total net base bid/Group 1)
\$ 1,200.00 (Option 1/Group 1)
\$ 3,250.00 (Option 2/Group 1)
\$ 800.00 (Option 3/Group 1)
\$ 2,500.00 (Option 4/Group 1)
\$ 3,030.00 (Option 5/Group 1)
\$ 750.00 (Option 6/Group 1)

Utility Maintenance Contractors LLC - \$15,200.00 (Total net base bid/Group 2)
\$ 1,000.00 (Option 1/Group 2)
\$ 2,100.00 (Option 2/Group 2)
\$ 2,500.00 (Plus Dryer/Group 2)

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Demolition of the Days Inn Motel. (702288)

National Builders Inc. - \$98,000.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Box Rings, Lids and Risers. (181222)

Clay & Bailey Mfg. Co. - \$28,205.00 (Group 1/total alternate bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Extended Cab Compact Pickup Truck. (183632)

Don Hattan Chevrolet, Inc. - \$12,071.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Boxes 21" Polyvinyl Chloride. (181222)

Water Products Inc. - \$35,242.50 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Interior Painting & Finishing. (602469)

Hillmann Painting Inc. - \$3,675.00 (Total net bid)
\$2,155.00 (Group 1/Option 1)
\$2,500.00 (Group 1/Option 2)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Transportation of Special Waste. (184754)

Sproul Custom Carpentry - \$12.24 (Per ton/Group 1)

PARK DEPARTMENT/MAINTENANCE DIVISION: Mowing Highland/Jamesburg Cemeteries. (031097)

Deluxe Lawn Service - \$1,300.00 (Group 1/each/Item 1)
\$ 100.00 (Group 1/each/Item 2)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Kevin F. Raven	Taco Tico*	2051 South Seneca
Kevin F. Raven	Taco Tico*	929 North Broadway
Kevin F. Raven	Taco Tico*	3425 East Douglas
Kevin F. Raven	Taco Tico*	603 East 47th Street South
Kevin F. Raven	Taco Tico*	8629 East Irving
Kevin F. Raven	Taco Tico*	3131 North Rock Road
Kevin F. Raven	Taco Tico*	311 East Pawnee
Kevin F. Raven	Taco Tico*	1118 West Douglas
Kevin F. Raven	Taco Tico*	460 North West Street
Kevin F. Raven	Taco Tico*	1303 North Tyler
Edith Boede	Lil Mexico*	1601 East Pawnee

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<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Robert J. Bales	Klepper Oil Co., Inc.	2601 North Broadway
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<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Ghanshyam Patel	Diamond Shamrock	4003 South Broadway
Ghanshyam Patel	Diamond Shamrock	731 North Ridge

<u>Special Event</u>	<u>June 7, 2003</u>	
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Earnest E. Barnes Roadhouse -	The Blues Festival	3813 North Broadway
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 29th Street North and Rock Road Intersection Phase 1, and widening 29th Street - 29th Street North from Rock Road to Webb Road. (87N-0287-01/472-83519/706841/202307) Traffic to be maintained during construction using flag persons and barricades. (District II) - \$2,450,061.70
- b) Sunnybrook Court, Lots 1-14, Block A to serve Shadow Ridge Addition - north of 31st Street South, east of Hillside. (472-83673/792310/435272) Does not affect existing traffic. (District III) - \$73,998.00
- c) Water Distribution System to serve Wichita Heights High School - south of 53rd Street North, west of Hillside. (448-89739/735101/470771) Does not affect existing traffic. (District I) - \$159,000.00
- d) Lateral 4 Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83621/743985/480673) Does not affect existing traffic. (District II) - \$178,000.00
- e) Stormwater Drain #202 to serve Thunderbird Office Park - south of Maple, west of 119th Street West. (468-83607/751335/485226) Does not affect existing traffic. (District V) - \$264,000.00
- f) Ironhorse/Ironhorse Circle from the west line of Woodlawn to and including the cul-de-sac; Hillcrest/Hillcrest Circle from the south line of Ironhorse to and including the cul-de-sac; Oxford from the south line of Ironhorse to the west line of Hillcrest to serve Ironhorse at Oxford Addition - south of 29th Street North, west of Woodlawn. (472-83707/765789/490900) Does not affect existing traffic. (District I) - \$425,000.00
- g) Osie Street from Hydraulic to Kansas to serve Linwood School Addition - south of Harry, east of Hydraulic. (472-83705/765783/490894) Does not affect existing traffic. (District I) - \$150,300.00
- h) Waterfront Parkway from the north line of 13th Street to the east line of Webb Road to serve The Waterfront Addition - north of 13th Street North, east of Webb. (472-83688/765780/490891) Does not affect existing traffic. (District II) - \$1,672,000.00

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i) Tyler Road northbound left turn lane at the entrance of Maize Central Schools Addition and a left turn bay on Tyler Road to serve Brookview to serve Maize Central Schools Addition AND Tyler's Landing Addition - south of 37th Street North, along Tyler. (472-83713/472-83693/765788/765792/490899/490903) Traffic to be maintained during construction using flag persons and barricades. (District V) - \$107,500.00

Motion --carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Sanitary Sewer Easement dated November 25, 2002 from USD 259 for a tract of land located in Lot 1, Block 1, Griffith Elementary School Addition, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

b) Drainage & Utility Easement dated December 31, 2002 from Maize Road, LLC, a Kansas Limited Liability Company for a tract of land located in the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

c) Utility Easement dated May 2, 2003 from 21/127, L.C., a Kansas Limited Liability Company for a tract of land located in Lots 11 and 12, Block 3, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas (Reed's Cove, OCA #743985). No cost to City.

d) Easement and partial release of right-of-way dated May 20, 2003, from Kaneb Pipe Line Operating Partnership (Kaneb), for the N/2 S/2 NW/4 W of Wichita Drainage Canal, the S/2 N/2 NW/4, the NE/4 NE/4, and the S/2 S/2 NW/4, west of the Wichita Drainage Canal – all in S3 T27S R1E. (No cost to City)

Motion --
-- carried

Mayans moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

SANITARY SEWER SANITARY SEWER TO SERVE PART OF KELLOGG MALL ADDITION - NORTH OF KELLOGG, WEST OF ROCK. (District II)

Agenda Report No. 03-0528.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a retail development located north of Kellogg, west of Rock.

The Petition totals \$20,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved, and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-241

Resolution of findings of advisability and resolution authorizing improving of lateral 38, main 5a, war industries sewer, (north of Kellogg, west of rock) 468-83620, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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PAVING

STREET PAVING IN HAWTHORNE ADDITION - NORTH OF 21ST, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0529.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paved streets in a new residential development located north of 21st, east of 127th Street East.

The Petitions total \$1,865,750. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved, and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03- 242

Resolution of findings of advisability and Resolution authorizing a traffic signalization at the intersection of 127th Street East and 21st Street North, (north of 21st Street, east of 127th Street East) 472-83635, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-243

Resolution of findings of advisability and resolution authorizing a right turn lane on 21st Street into a major entrance on Lot 2, Block 6; a left turn lane on 21st into a major entrance on Lot 2, Block 6; a right turn lane on 127th Street East into a major entrance on Lot 2, Block 6; a left turn lane on 127th Street East into a major entrance on Lot 2, Block 6, (north of 21st, east of 127th Street East) 472-83636, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03- 244

Resolution of findings of advisability and Resolution authorizing improving Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East; Mainsgate Circle serving Lots 2 through 14, Block 2, from the east line of Peckham to and including the cul-de-sac; sidewalk on one side of Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East, (north of 21st Street, east of 127th Street East) 472-83638, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03- 245

Resolution of findings of advisability and Resolution authorizing IMPROVING Camden Chase from the southwest corner of Lot 35, Block 6 to the east line of Williamsgate; sidewalk on both sides of Camden Chase from the Southwest Corner of Lot 35, Block 6 to the east line of Williamsgate, (north of 21st Street, east of 127th Street East) 472-83639, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03- 246

Resolution of findings of advisability and resolution authorizing improving Rosemont/Mainsgate from the north line of Lot 41, Block 2, to the west line of Williamsgate; Rosemont court from the east line of Rosemont to and including the cul-de-sac serving Lots 8 through 19, Block 3; Mainsgate Circle from the west line of Mainsgate to and including the cul-de-sac serving Lots 42 through 55, Block 2; sidewalk on one side of Rosemont/Mainsgate from the north line of Lot 41, Block 2, to the west line of Williamsgate, (north of 21st, east of 127th Street East) 472-83640, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas.

RESOLUTION NO. 03- 247

Resolution of findings of advisability and Resolution authorizing improving Rosemont from the north line of Camden Chase to the north line of lot 41, block 2; Rosemont Court from the west line of Rosemont to and including the cul-de-sacs servings Lots 27 through 41, Block 2; sidewalk on one side of Rosemont from the north line of Camden chase to the north line of Lot 41, Bock 2, (north of 21st, east of 127th street east) 472-83641, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03- 248

Resolution of findings of advisability and resolution authorizing improving Williamsgate from the west line of Reserve Q to the north line of Lot 62, Block 2; sidewalk on one side of Williamsgate from the west line of Reserve Q to the north line of Lot 62, Block 2; Mainsgate from the east line of Williamsgate to the east line of Lot 2, Block 4; sidewalk on one side of Mainsgate from the east line of Williamsgate to the east line of Lot 2, Block 4, (north of 21st, east of 127th Street East) 472-83642, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-249

Resolution of findings of advisability and Resolution authorizing improving Williamsgate Court from the south line of Williamsgate to and including the cul-de-sac serving Lots 13 through 20, Block 5 (north of 21st Street, east of 127th Street East) 472-83645, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-250

Resolution of findings of advisability and Resolution authorizing improving Camden Chase from the east line of Peckham to the southwest corner of Lot 35, Block 6; sidewalk on both sides of Camden Chase, from the east line of Peckham to the southwest corner of Lot 35, Block 6, (north of 21st Street, East of 127th Street East) 472-83646, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-0558

On March 18, 2003 the City Council approved a "limited" street closure of 37th Street North under I-135 to vehicles over 11 feet in height. Passenger cars and other vehicles under 11 feet in height were carried through the construction area while trucks over 12 feet in height were detoured using Hydraulic, 29th Street North and Ohio Street. Despite the signed detour, other applicable warning signs, east and

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westbound message boards and letters to businesses in the area advising of the reduced clearances. At least (9) nine trucks have struck the construction protective barriers at the I-135 bridge site.

Recently, after a bridge widening deck pour had been completed, a truck struck the 11-foot high construction protective barrier with enough force to damage the barrier. It was determined that an additional hit to the barrier may not prevent damage to the newly poured bridge widening and 37th was immediately closed pending the repair of the barrier and review of the "limited" closure. The Contractor, Duit Construction Co., Inc. is requesting the approval of a complete closure of 37th Street at the I-135 bridge site until the completion of the bridge widening and limited clearance until approximately July 18, 2003. The total closure of 37th Street North at the east and west sides of the bridge area would remain in place and all through traffic will be detoured on the present truck detour using Hydraulic, 29th Street North and Ohio Street. Local traffic will be allowed to the businesses inside the detour route but no traffic would be allowed to the businesses inside the detour route but no traffic would be allowed to pass under the bridges.

The Contractor will be responsible to revise the signed detour as necessary to correspond to the total closure of 37th Street North at this I-135 bridge widening construction site. The message boards will continue to advise of the total closure and the date of street reopening as the construction nears completion in July.

There are no financial considerations.

Motion --carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – APRIL 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Baldwin, James B.	\$116.00
Boyce, James D.	\$199.50
Clark, Nilkia and Tim Ziegler	\$5,750.00**
Clay, Toni M.	\$70.00
Crockett, Maryann	\$65.00
Cunningham, Glen	\$75.00
Dingman, Kevin	\$220.20**
Grattan, Bill	\$265.65
Green, Jason	\$500.00**
Holloway, Carol	\$5,000.00
Mart, Joyce	\$27.00
Ratzcliff, James	\$122.82
Ruyle, Larry	\$332.08
Westar Energy	\$2,728.01**

** Settled for lesser amount than claimed.

Motion -- carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

HAWTHORN ADD.

SUPPLEMENTAL - CONSTRUCTION ENGINEERING AND STAKING FOR HAWTHORNE ADDITION - NORTH OF 21ST, EAST OF 127TH STREET EAST. (District V)

Agenda Report No. 03-0531.

The City Council approved the project on October 22, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Hawthorne Addition. Due to the current workload

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created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$32,900 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

INSTRUCTORS

WICHITA INTERVENTION PROGRAM INSTRUCTORS.

Agenda Report No. 03-0532.

State statute requires first conviction drunk drivers to be incarcerated for forty-eight hours and attend alcohol classes. In 1984, Municipal Court established the Wichita Intervention Program which combined both aspects in a setting outside of jail. The City of Wichita intervention program was the second intervention program in the nation and the only one in Sedgwick County.

Offenders in the program are confined at a Wichita motel and must attend 21 hours of lectures, group sessions, presentations by guest speakers and self assessments. An instructor, certified as an alcohol and drug counselor, leads the intervention process. The instructor also provides direction to security guards and acts as liaison to the hotel manager.

A Request for Proposal was sent to eleven vendors outlining the instructor services. Only the current vendor responded. The Municipal Court Administrator, Probation Office Supervisor, and Purchasing Manager evaluated the proposal submitted. Heartstone Substance Abuse Services was selected. Heartstone has spent over a decade providing educational services to Driving While Under the Influence (DUI) offenders, and has also been the primary vendor for the Wichita Intervention Program (WIP) for the past six (6) years. Heartstone has excellent credentials in education and experience.

Heartstone Substance Abuse Services bid is \$32.00 per hour and is the recommended vendor for instructor of the Wichita Intervention Program. For the past six (6) years Heartstone has run a quality and effective intervention program. The participants regularly make statements that the program is a positive and enriching experience for them. The estimated cost for the proposed contract is \$29,950. The new contract rate is an increase of \$7,340 over the previous contract. The cost of the Wichita Intervention Program is fully paid by offenders fees. On October 8, 2002, the Council approve a participant fee increase to cover program costs.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ENCROACHMENT

EASEMENT ENCROACHMENT – LOT 1 CEDARDALE ADDITION. (District III)

Agenda Report No. 03-0533.

The Agreement allows Genevieve R. & Joseph W. Crawford to occupy and construct, improvements on, over, and across the aforesaid public utility easement 20 feet in width described as the west 20 feet of the east 160 feet of the east 180.33 feet of Lot 1, Cedardale Addition, except the south 70 feet; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is an existing brick structure approximately 5.1 feet east and 12.7 feet south of the northwest corner of the east 180.33 feet of Lot 1, Cedardale Addition, except the south 70 feet thereof. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

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There are no financial considerations.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HALL OF FAME

KANSAS SPORTS HALL OF FAME AMENDMENT.

Agenda Report No. 03-0534.

On August 6, 2002, the City Council approved a Contract with McCluggage Van Sickle and Perry Corp. to provide design services for the Kansas Sports Hall of Fame project.

On March 4, 2003, the City Council approved the bids of Compton Construction Corp. to construct the building modifications related to the Kansas Sports Hall of Fame project.

The architectural Contract with McCluggage Van Sickle and Perry Corp. will be amended to provide additional design services related to the Kansas Sports Hall of Fame project. The additional services will be to provide detailed drawings and specifications related to the west façade building enhancements. These enhancements are in accordance with the previously approved Master Plan design.

The Contract Amendment for \$20,000.00 will be funded from the project budget (Project No. 435351, OCA No. 792381). The project balance is \$131,495.53.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - 2003 ARTERIAL STREET, BRIDGE, AND WATERLINE REPLACEMENT. (Districts II, III, V, and VI)

Agenda Report No. 03-0535.

The 2003 Capital Improvement Program includes funding for arterial street, bridge, and waterline design projects. The Staff Screening and Selection Committee has solicited proposals and selected design engineers for each project.

The projects to be designed, the design engineer, and the design fees are:

29th Street North, ½ mile east of Ridge to West Street
Certified Engineering Design \$24,888

29th Street North, Tyler to Ridge
Cook, Flatt, & Strobel \$129,958

Central Avenue Bridge at Gypsum Creek
Cook, Flatt, & Strobel \$11,369

Oliver Bridge at Gypsum Creek
Cook, Flatt, & Strobel \$28,866

Northwest Riverside waterline replacement
Baughman Co. \$48,000

The paving and bridge project budgets total \$265,000. The funding source is General Obligation Bonds. The waterline project is funded by the Water Utility.

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Motion --
-- carried

Mayans moved that the Agreement be approved; the necessary signatures be authorized; and the Ordinances be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 29th Street North, from ½ mile east of Ridge to West Street (472-83753) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring 29th Street North, from Tyler to Ridge (472-83751) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring the Central Avenue Bridge at Gypsum Creek (472-83748) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ORDINANCE

An Ordinance declaring the Oliver Street Bridge at Gypsum Creek (472-83746) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

(Item No. 29)
SKATE PARK

LAND AND WATER CONSERVATION FUND GRANT APPLICATION – WICHITA SKATE PARK.

Agenda Report No. 03-0536.

The 2002 Park Capital Improvement Program (CIP) included \$50,000 for the design and construction of a skate park. The project was initiated and approved by the City Council at their February 5, 2002 meeting.

After considering several sites in the downtown area, the area between St. Francis and Emporia Streets beneath the Kellogg overpass was chosen as the area for skaters. This area is currently under the jurisdiction of the Kansas Department of Transportation. City officials have requested use of this space with the understanding of meeting the requirements and conditions of a right-of-way use agreement.

On April 1, 2003, City Council approved the use of the right-of-way agreement with the Kansas Department of Transportation to develop this site into a future skate park. The City is seeking additional funds to develop a facility that will meet the needs of local skate enthusiasts. In an effort to seek additional funding, the City has submitted a Land and Water Conservation Fund grant application to the State of Kansas, requesting a match in the amount of \$200,000. The proposed facility is estimated to cost \$400,000. The City would be required to match with \$200,000, thus a 50/50 match agreement.

Skateboard enthusiasts have developed a general concept plan for the park and are seeking to develop corporate and private sponsors and donors to leverage the City's \$50,000 investment into a more comprehensive facility. On April 12, 2003, the Skate Park Committee, in partnership with the City's Park and Recreation Department, conducted its first fundraising event at Edgemoor Park. The Skate Park committee is planning another larger event this August, due to good visitor turnout. Local vendors

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and companies have expressed great interest in sponsoring this event, which is currently in the planning stages.

In the future, it is anticipated that the completed skate park will draw skateboarding and skate enthusiasts from other cities and states, bringing revenue from outside the community into Wichita. A new La Quinta Inn Hotel recently opened up just two blocks away which could be used for out-of-town visitors. The completed park may also add a new venue to Wichita's package of River Festival events.

The Park and Recreation Department has allocated \$50,000 out of the CIP for this project. The City's obligation for an additional \$150,000 will be provided through the Park Capital Improvement Fund. Local fundraising and sponsorships will reduce the amount of this obligation for the City.

Doug Kupper

Director of Parks and Recreation, answering questions, said the design is still fluid. Cost estimates are in the \$400,000 range. A check of skate parks across the United States show costs ranging from \$200,000 to \$1.2 million. An effort is being made to build a comprehensive facility to be used by novice and expert skaters.

Regarding liability, California had skate parks and then took them out – then later looked at the claims and found that they had no great liability.

Gary Rebenstorf

Director of Law said that under Kansas Tort Act, the City would be immune as there is an exemption for park and recreation uses.

Motion --

-- carried

Brewer moved that the grant and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SECURITY

WATER AND SEWER FACILITIES SECURITY.

Agenda Report No. 03-0537.

On June 12, 2001, the City Council approved relocating the Distribution Dispatch and Maintenance Facility to the Central Maintenance Facility Campus and to the Public Works Satellite Facilities located east and west in the City. The new facilities are near completion, and crews and equipment are scheduled to relocate June 2003.

The equipment represents a considerable financial investment and is a vital emergency response resource. The recommended measures will provide an adequate level of security at the new facilities and have been approved by the City's Security Assessment and Advisory Team.

The cost for the security items is \$149,723 and will be paid from W-903 (Water System Security Improvements), which is part of the approved CIP budget.

Motion -- carried

Mayans moved that the purchase and installation be approved. Motion carried 7 to 0.

PROGRAM SNACKS

SUMMER OF DISCOVERY PROGRAM SNACKS.

Agenda Report No. 03-0538.

As part of the 2003 Annual Budget, the City Council approved an expenditure appropriation for the Summer of Discovery Program (SOD) in 2003. This summer program for youth is provided at nine of the City's Recreation Centers and is licensed as a School Age Program by the Kansas Department of Health and Education (KDHE). KDHE requires that programs operating under their license provide nutritional morning and afternoon snacks for each participant in the program. The budget appropriation for SOD includes an allocation to provide these snacks.

A Request for Proposal (FP300032) to furnish nutritional snacks at each of the nine Recreation Centers was issued in an effort to obtain a qualified vendor. Three (3) proposals were received. Based on

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experience, qualifications, level of service and price, Via Christi Regional Medical Center was selected as the vendor with a bid of 0.55 per snack.

Funding for the snack services is part of the 2003 Department of Park and Recreation's budget allocation for the Summer of Discovery Program. Snack cost will not exceed \$42,000.

Motion --

-- carried

Mayans moved that selection of Via Christi Regional Medical Center to provide snacks to nine City Recreation Centers for the Summer of Discovery Program be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

5363 SOUTH HYDRAULIC. (District III)

Agenda Report No.03-0539.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The ninth of the twelve tracts to be acquired is a portion of 5363 South Hydraulic, owned by Bill and Joyce Achey. The property contains .42 acres and is presently improved with a single family residence.

The planned improvement of Hydraulic will require a 1,000 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$ 1,200 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$ 1,800 is requested. This includes \$ 1,200 for the acquisition, and \$600 for closing costs and title insurance.

Motion --

-- carried

Mayans moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

5700 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0540.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The eighth of the twelve tracts to be acquired is a portion of 5700 South Hydraulic, owned by Dexter and Yetta Moreland. The property contains 9.73 acres and is presently improved with a single family residence.

The planned improvement of Hydraulic will require a 3,317 square foot strip of land adjacent to Hydraulic. Landscaping and trees will be removed; no other improvements will be affected by the acquisition. An offer of \$ 7,330 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$ 8,000 is requested. This includes \$ 7,330 for the acquisition, and \$670 for closing costs and title insurance.

Motion --

-- carried

Mayans moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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WATERLINE EASEMENT – INDIAN HILLS ADDITION. (District VI)

Agenda Report No. 03-0541.

The City Council has approved the construction of a 66-inch raw water line to assure that an adequate raw water supply is available during periods of peak demand. This line will extend from 21st Street North and Hoover to the treatment plant at Riverside Park. The northern portion of the line, from 21st and Hoover to 17th Street and Sheridan is currently under construction. To minimize arterial traffic disruption and avoid existing utilities, an easement was required across the property at the southwest corner of McLean and 13th.

The permanent line easement contains approximately 5,365 square feet. The project will also require a 13,590 square foot temporary easement. The owner has agreed to grant the City the easements for \$13,000.

A budget of \$13,000 is requested for the acquisition.

Motion --
-- carried

Mayans moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SURPLUS PROPERTY SALE OF SURPLUS PROPERTY - SOUTHEAST CORNER OF DUGAN ROAD AND KELLOGG DRIVE. (District V)

Agenda Report No. 03-0542.

An offer of \$6,000 has been received for the City-owned tract of vacant land at the southeast corner of Kellogg Drive and Dugan. The tract was acquired in 1994 in conjunction with the Kellogg/Dugan project. The site was originally 98 feet wide and developed with a service station. The project required removal of the improvements and left a remnant approximately 20 feet wide.

The buyer intends to redevelop the parcel adjacent to the east that he owns. He will use the subject tract to get access to Dugan Road and for additional parking and landscaping. This site has been marketed but due to its configuration, the only viable user would be the adjacent landowner. There have been some prior offers that were contingent on acquisition of the tract to the east but none have been successful. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Mayans moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SALE OF SURPLUS PROPERTY - NORTH SIDE OF KELLOGG, WEST OF BONNIE BRAE. (District II)

Agenda Report No. 03-0544.

An offer of \$4.00 per square foot has been received for the City-owned tract of vacant land located on the north side of Kellogg west of Bonnie Brae. The tract was acquired in 2000 in conjunction with the pending Kellogg/Rock Road Interchange project. The site was developed with two lodging facilities. One has been removed for the project. The south approximately 115 feet of the site will be used for the highway project. The subject tract will contain slightly more than 78,000 square feet.

The buyer intends to redevelop the site for reuse by the businesses currently located along East Kellogg that are being relocated by the highway project that want stay on the East Kellogg corridor. The buyer is negotiating with two such businesses. This site has not been marketed on a speculative basis but has

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been provided as a replacement site for existing businesses. The current offer is the most advantageous received. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Mayans moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SALE OF SURPLUS PROPERTY - NORTH SIDE OF KELLOGG, WEST OF HEATHER. (District II)

Agenda Report No. 03-0544.

An offer of \$4.00 per square foot has been received for the City-owned tract of vacant land located on the north side of Kellogg west of Heather. The tract was acquired from 1999 to 2002 in conjunction with the pending Kellogg/Rock Road Interchange project. The site is currently developed with commercial buildings. These buildings will need to be removed and the south approximately 115 feet of the site will be used for the highway project. The subject tract will contain slightly more than 77,000 square feet.

The buyer intends to redevelop the existing building for use by the restaurant currently located at 8100 East Kellogg. This business is being dislocated by the highway project and wants to stay on the East Kellogg corridor. This site has not been marketed on a speculative basis but has been provided as a replacement site for existing businesses. The current offer is the most advantageous received. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Mayans moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (First read May 13, 2003)

- a) Unpaid sewer service charges and/or water service charges.

ORDINANCE NO. 45-724

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges in the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) ZON2002-15 - southwest corner of 21st Street North and west of Webb Road. (District II)

ORDINANCE NO. 45-725

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-15

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PLANNING AGENDA

Mayans moved that all Item except 40 and 43 be approved as consent Items.

VAC2003-00007

VAC2003-00007 VACATE PLATTED SETBACKS – NORTHWEST OF THE JULIA AND DUGAN STREETS INTERSECTION, NORTH OF KELLOGG DRIVE. (DISTRICT V)

Agenda Report No. 03-0545.

The applicant is proposing to build a super Walmart to replace the current Walmart on the site. This construction will put parts of the proposed super Walmart over platted setbacks.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

The request involves the vacation of (a) the 15-foot setback located on Lot 2, that runs parallel to the lot line that separates Lots 1 & 2, The Landing 2nd Addition and runs parallel to the north 100-feet of the lot line that separates Lot 2, The Landing 2nd Addition and Lot 1, Air Park 3rd Addition and vacation of (b) the 45-foot setback located on Lot 1, that runs parallel to the lot line that separates Lots 1 & 2, The Landing 2nd Addition. These two setbacks run north – south and will not be replaced.

The requests also involves the vacation of (c) the south 30-feet of the platted 50-foot setback line running parallel (west – east) to the north property line of Lot 1, The Landing 2nd Addition, leaving a 20-foot building setback line and (d) a portion of the setbacks located on the northeast corner of Lot 1, as described in the legal description.

This site has CUP DP-150 overlay on it and the applicant has applied for and received an adjustment to the CUP. The Landing 2nd Addition was recorded October 17, 1990. Vacation case VAC2002-42 approved the vacation of easements, with conditions, within some of these setbacks, by the MAPC at their 01-23-03 meeting.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED2003-10

DED2003-10 – DEDICATION OF UTILITY EASEMENT – NORTHEAST CORNER OF MAPLE AND ROBIN ROAD. (District V)

Agenda Report No. 03-0546.

As a requirement of Zoning Case No. 2003-02, this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

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DED2003-11

DED2003-11 – DEDICATION OF ACCESS CONTROL – NORTHEAST CORNER OF MAPLE AND ROBIN ROAD. (District V)

Agenda Report No. 02-0537.

As a requirement of zoning Case No. 2003-02, this Dedication is being submitted for complete access control along Maple Street.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED2003-12

DED2003-12 – DEDICATION OF STREET RIGHT-OF-WAY – NORTHEAST CORNER OF MAPLE AND ROBIN ROAD. (District V)

Agenda Report No. 03-0548.

As a requirement of Zoning Case No. 2003-02, this Dedication is being submitted for additional street-right-of-way along Maple Street.

The dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

SUB2002-43

SUB2002-43 – PLAT OF HIGHLAND SPRINGS THIRD ADDITION – SOUTH SIDE OF CENTRAL AND WEST SIDE OF 135TH STREET WEST. (District V)

Agenda Report No. 03-0547.

An overall preliminary plat - Highland Springs Addition - was approved for this site in 1997, which covered the entire quarter section. The final plats for the first and second phase were previously recorded.

Petitions (100%) have been submitted for sewer, water and paving improvements. A Certificate of Petitions has been submitted. To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant was submitted requiring that four (4) off-street spaces be provided for each such lot. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. 03-251

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89827 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-252

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89828 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-253

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89829 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-254

Resolution of findings of advisability and Resolution authorizing improving of Lateral 37, Cowskin Interceptor Sewer, (west of 135th Street West, south of Central) 468-83634, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-255

Resolution of findings of advisability and Resolution authorizing improving of Lateral 38, Cowskin Interceptor Sewer (west of 135th Street West, south of Central) 468-83635, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-256

Resolution of findings of advisability and Resolution authorizing improving of Lateral 39 Cowskin Interceptor Sewer, (west of 135th Street West, south of Central) 468-83636, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-257

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 205 (west of 135th Street West, south of Central) 468-83637, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-258

Resolution of findings of advisability and Resolution authorizing improving Hardtner from the west line of 135th Street West, west to the north line Aksarben. Hardtner Ct., (Lots 4 through 16, Block B) from the north line of Hardtner North to and including the cul-de-sac, on Hardtner Ct. (Lots 17 through 24, Block B) from the north line of Hardtner, north to and including the cul-de-sac. Sidewalk to be constructed along one side of Hardtner (west of 135th Street, south of Central, 472-83778, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-259

Resolution of findings of advisability and Resolution authorizing improving Thoroughbred from the south line of Lot 21, Block D, north to the south line of Central Avenue. Taylor Circle (Lots 1 through 21, Block D) from the west line of thoroughbred, west to and including the cul-de-sac, and on Taylor circle (lots 10 through 28, block c) from the east line of Thoroughbred, east to and including the cul-de-sac. Thoroughbred Ct. from the east line of Thoroughbred, east to and including the cul-de-sac. Sidewalk to be constructed on both sides of Thoroughbred, (west of 135th Street West, south of Central) 472-83779, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-260

Resolution of findings of advisability and Resolution authorizing improving Thoroughbred from the south line of Lot 1, Block E, north to the south line of Lot 21, Block D. Hardtner, from the west line of Thoroughbred, west to the west line of the plat, and on Kentucky Lane, from the north line of Hardtner, south to the south line of the plat. Hardtner Ct. from the north line of Hardtner, north to and including the cul-de-sac, and on Binter Circle from the west line of Thoroughbred, west and northwest to and including the cul-de-sac. Sidewalk be constructed on both sides of Thoroughbred and on one side of Hardtner, (west of 135th Street West, south of Central) 472-83780, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

(Item No. 40)

CON2003-00008

CON2003-00008 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED LIMITED COMMERCIAL – SOUTH OF KELLOGG, EAST OF WOODLAWN. (District II)

Agenda Report No. 03-0550

MAPC Recommendation: Approve, subject to staff recommendation, except that lighting of the flag be permitted. (11-1)

D.A.B. Recommendation: Approve, subject to staff recommendation. (5-3)

Staff Recommendation: Approve, subject to conditions.

The applicant is seeking a Conditional Use to permit the construction of a stealth flagpole tower for use by Cricket Communications. The applicant proposes an initial height of 135 feet with provisions to extend the height of the tower to 165 feet. The proposed site is zoned "LC" Limited Commercial. Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district may be permitted with a Conditional Use.

The applicant indicates that the proposed wireless communication facility is needed for Cricket Communications to provide improved wireless telephone capacity along Kellogg. The applicant indicates that they evaluated using the existing tower at Carriage Parkway, and that it does not meet their communication needs. The applicant also indicates that they pursued constructing a tower on the

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VA Hospital property, but that the time required to negotiate a lease was too long to meet their needs. The applicant also indicates that they evaluated locating their antennas on existing hotel buildings in the vicinity and that these locations do not meet their communication needs and are significantly more costly than the proposed tower (see attached cost comparison). Finally, the applicant indicates (see attached letter dated May 2, 2003) that they evaluated reducing the height of the proposed tower to 85 feet and that the lower height does not meet their communications needs.

The proposed tower would be sited on a 2,280 square foot area located 100 feet south of Kellogg Drive and 600 feet east of Woodlawn. Access to the site is proposed via an existing gravel parking lot for a veterinary clinic located on the parent tract. The applicant's site plan (attached) depicts a 38-foot by 60-foot compound enclosed by a 10-foot high solid screening fence with the tower and the initial ground-level equipment shown in the western portion of the compound. Future areas for ground-level equipment are proposed for outside the fenced compound. Per Section IV-B.3.b. of the Unified Zoning Code, screening of future areas for ground-level equipment will be required since the equipment is proposed to be located less than 150 feet from public right-of-way.

Since the tower is proposed to be disguised as a flagpole, the communication antennas will be mounted inside the pole and will not be visible. Also, a United States flag is proposed to be mounted to the pole, and the applicant proposes to display the flag at all times, which will require lighting the flag at night. Section III-D.6.g.(5) prohibits nighttime lighting of a wireless communication facility except for aircraft warning lights. Therefore, the City Council would need to approve an exception to the supplementary use regulation pertaining to tower lighting for the applicant's proposal to light the flag to be permitted. Another alternative would be to display the flag only during the day, which would alleviate the need to light the tower. This alternative is recommended by planning staff in order to prevent lighting of the flagpole from having a negative visual impact on surrounding residential properties.

The character of the surrounding area is a mixture of commercial and residential uses along the Kellogg corridor, with commercial uses located south of Kellogg and residential uses located north of Kellogg. The properties located east, west, and south of the subject property are zoned "LC" Limited Commercial and are used for vehicle sales. The properties north of the subject property across Kellogg are located within the City of Eastborough and are used for single-family residences and recreational uses.

At the MAPC hearing on April 24, 2003, several citizens spoke against the request citing concerns with the negative visual impact of the tower, the proximity to residential areas, the proximity to recreational facilities, the height of the proposed tower, and the lack of evidence regarding the ability to use an existing structure rather than building a new tower. The MAPC voted (11-1) to recommend approval of the request subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met, except as otherwise provided in Item D.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "stealth flagpole" design that is in general conformance with the approved elevation renderings. Antennas or other communication equipment shall not be visible on the exterior of the stealth flagpole.
- D. The flag shall be lighted only at night.
- E. The support structure shall be 135 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 165 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.

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- G. Any future ground-level equipment located outside the fenced compound shall screened in accordance with a revised site plan that must be approved by the Planning Director prior to the issuance of a building permit.
- H. The site shall be developed in general conformance with the approved site plan and elevation renderings. All improvements shall be completed before the facility becomes operational.
- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- J. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Since the MAPC recommended lighting the tower other than for aircraft warning purposes, City Council consideration of the Conditional Use request is required. The City Council can waive or modify a Supplementary Use Regulation of the Unified Zoning Code, such as the no lighting except for aircraft warning purposes requirement for towers, upon receiving a favorable recommendation from the MAPC.

At the DAB meeting on May 5, 2003, several citizens spoke against the request citing the same concerns expressed at the MAPC hearing. The DAB voted (5-3) to recommend approval of the request subject to the recommendation of staff, which removes Condition D from and modifies Conditions A and C of the MAPC recommendation as follows:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- C. The support structure shall be a "stealth flagpole" design that is in general conformance with the approved elevation renderings. Antennas or other communication equipment shall not be visible on the exterior of the stealth flagpole. The flag shall not be displayed at night. The flag and flagpole shall not be illuminated.

Subsequent to the DAB meeting, two appeals of the Conditional Use request were received (see attached). One appeal is from the City of Eastborough, and the other appeal is from Alan Joseph, an Eastborough resident. When an appeal of an MAPC decision regarding a Conditional Use request is filed within 14 days of the public hearing, the MAPC decision becomes a recommendation and the final decision on the Conditional Use request must be made by the City Council.

Motion --

Schlapp moved that the application be returned to MAPC and DAB II for reconsideration of their recommendations. The Council requests that the MAPC address the following issues:

1. Are other structures or buildings that have been suggested by Staff and the public available for location of some or all of the antenna needs of the applicant? Could multiple shorter towers or flagpoles that do not have the same visual impact on the surrounding neighborhoods meet some of the applicant's needs?
2. If a facility disguised as a tall flagpole were to be approved, what conditions should be considered for display of any type of flag on such a flagpole?
3. Is the City adequately protected in the event the applicants (or other users) are financially unable to maintain the facility?

-- carried

Motion carried 7 to 0.

ZON2003-00014

ZON2003-00014 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE WITH A PROTECTIVE OVERLAY – NORTH OF SUNNYBROOK, EAST OF RUTAN. (District III)

Agenda Report No. 03-0551

MAPC Recommendation: Approve, subject to Protective Overlay. (13-0)

Staff Recommendation: Approve, subject to Protective Overlay.

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The applicant requests a zone change from "MF-29" Multi-Family Residential to "OW" Office Warehouse on a 1.3 acre platted tract located north of Sunnybrook and east of Rutan at 3620 E. Sunnybrook. The applicant also requests a Protective Overlay to limit uses and increase screening and landscaping requirements (see attached letter).

The applicant indicates that the subject property is developed with a leasing office and maintenance facility for rental properties in the Planeview area. The applicant indicates that the use of the subject property was established in anticipation of developing apartment units on vacant land that the applicant owns surrounding the subject property. At such time as the apartment units were developed, the existing use of the subject property would become a permitted accessory use; however, since the apartment units will not be developed on the adjacent land, the applicant has requested a zone change to bring the use of the subject property into compliance with the zoning regulations. The applicant also has proposed a Protective Overlay to help ensure compatibility of the subject property with surrounding residential uses.

The surrounding area is characterized primarily by residential uses within the Planeview neighborhood; although, within two blocks of the subject property there is a sizeable commercial area interior to the Planeview neighborhood that is located at the intersection of Ross Parkway and Roosevelt. All of the property immediately surrounding the subject property is zoned "MF-29" Multi-Family Residential. The vacant property north and west of the subject property recently has been replatted for single-family residential development. The properties south and east of the subject property are developed with a mixture of residential uses, primarily consisting of single-family residences, duplexes, and triplexes.

At the MAPC hearing on April 24, 2003, there were no speakers, other than the applicant, either in favor of or in opposition to the request. The MAPC voted (13-0) to approve the request subject to the following provisions of Protective Overlay District #126:

1. The following uses shall be permitted: college or university; community assembly; day care, general; government service; library; parks and recreation; recycling collection station, public or private; safety service; utility, minor; automated teller machine; construction sales and service; office, general; post office substation; vocational school; storage, outdoor; and warehousing.
2. Construction sales and service; storage, outdoor; and warehousing shall only be permitted in association with a leasing and maintenance office for rental properties.
3. Outdoor storage shall be limited to the area that is north of the existing building, which shall be entirely enclosed by a screening fence or wall and/or the walls of structures. Items stored outdoors shall not be visible from any adjacent street nor from ground level view from any adjacent property.
4. The property shall be developed in general conformance with the landscape street yard, landscape buffering, and parking lot screening requirements of the Landscape Ordinance per a landscape plan approved by the Planning Director.

Motion --

-- carried

Mayans moved that Council concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay District #126; and that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.
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ZON2003-00015

ZON2003-00015 – ZONE CHANGE FROM LIMITED COMMERCIAL TO SINGLE-FAMILY RESIDENTIAL – NORTHWEST OF THE 29TH STREET NORTH/TYLER ROAD INTERSECTION. (District V)

Agenda Report No. 03-0552

MAPC Recommendation: Approve, subject to platting within one-year. (13-0)

Staff Recommendation: Approve, subject to platting within one-year.

The applicant is requesting that the 8.26 acre site currently zoned “LC” Limited Commercial be rezoned to “SF-5” Single-Family Residential. The site is located on the northwest corner of 29th Street North - Tyler Road intersection and is part of 260 acres, north and west of the site, being platted as the Fox Ridge Addition; SUB2003-07. The Fox Ridge Addition proposes to have 390 “SF-5” zoned single-family lots. The zoning change request will allow the site’s 8.26 acres match the zoning of the rest of the subdivision. The site is currently being used for agriculture.

The surrounding area consist of recently developed single-family residential, some recently developed duplexes, land being readied for development as single-family residential and agricultural land. The site and the land abutting it on its north and west sides are actively being used for agriculture, while being advertised as the site of a new single-family residential subdivision; the Fox Ridge Addition. The site, as well as the other three (3) corners of the intersection, is zoned “LC”. These 600 foot (x) 600 foot commercial nodes are the result of the 1958 Sedgwick County initiated re-zoning of land within the projected growth areas of the County. The abutting land on the site’s north and west sides are currently zoned “SF-20”.

Land south of the site and across 29th Street North is zoned “TF-3” and “SF-5”, with development reflecting the zoning. There is an undeveloped “LC” zoned site (a site is less than the original 600 foot (x) 600 foot commercial node) on this southwest corner of the intersection. Land southeast of the site and across the 29th Street North – Tyler Road intersection is zoned “SF-5”, is platted and work on the land is beginning to prepare it for single-family residential development. There is an undeveloped “LC” zoned node on this southeast corner of the intersection. Land east and northeast of the site, across Tyler Road, is zoned “TF-3” and “SF-5”, with development reflecting the zoning or the land being used for agriculture. There is a small, undeveloped “LC” zoned site on this southeast corner of the intersection.

At the MAPC hearing on April 24, 2003, the MAPC voted 13-0 to recommend approval of the request with the condition that the plat be completed within one (1) year. The applicant agreed with the Planning Staff recommendation. No one spoke in opposition to the requested zoning change and there have been no written protest received.

Motion --

-- carried

Mayans moved that Council concur with the findings of the MAPC and approve the zone change, subject to platting within a year; and that the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

(Item No. 43)

ZON2003-00017

ZON2003-00017 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL – SOUTHWEST OF THE 45TH STREET NORTH/WEBB ROAD INTERSECTION. (District II)

Agenda Report No. 03-0553

MAPC Recommendation: Approve, subject to platting within one-year, change zoning to “OW” Office Warehouse with an amended “PO” Protective Overlay #127 instead of the request “LI” Limited Industrial and the “PO”. (6-5-1)

D.A.B. Recommendation: Deny (8-1)

Staff Recommendation: Deny.

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The applicants request a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial on the approximate 5.4-acre site located southwest of the 45th Street North – Webb Road intersection. The site has frontage on Webb Road. The site is part of approximately 10 unplatted acres, of which the northeast 1.7 acres (465-feet x 160-feet) is zoned “LI”. The “LI” property contains a small accessory building. The zoning for “LI” was granted in 1967 to bring a non-conforming use into compliance. The applicant proposes to develop the subject property, plus the already zoned “LI” 1.7-acres, as an office – manufacturing – warehouse complex for “Ancient Formulas Incorporated”, a dietary supplement business. The remainder of the 10-acres’ zoning will remain “SF-5”

“SF-5” zoning abuts the site on its south, west and north sides. The Webb Acres Addition and the Sun-Air Estates Addition to the south are developed with single- family homes on 9 lots, $\frac{3}{4}$ - 1½-acres in size. South of these lots are 3 tracts, zoned “SF-5” each over 4-acres, with houses on two of the lots. The rest of the Sun-Air Estates Addition to the west of the site contains 49 lots, 1 $\frac{1}{4}$ - 1 $\frac{1}{2}$ -acres in size and developed as single family residential. There is a church in this residential area, southwest of the site. North of the site are 13 tracts, $\frac{3}{4}$ -acres to 10-acres in size, and developed as single family residential. There is a vacant lot abutting the site on its north side. The property to the east, across Webb Road, is zoned “RR” Rural Residential on the north half and “LI” on the south half. The “RR” zoned property is actively used for agriculture. The “LI” zoned property is the beginning of Jabara Airport.

The Jabara Airport development is the northern edge of an extensive section of land zoned “LI” and developed as an airport, manufacturing, car lots, motels, warehouse and office complexes. This development begins on the south side of 43rd Street North, east of Webb and south of 41st Street North, west of Webb (2 blocks south of the site), continues south to the 29th Street North – K-96 – Webb Road interchange, goes east to Rock Road south of 37th Street North and east to a point roughly half way between Webb Road and Greenwich. This large, active industrial area is not completely developed, thus offering possible sites for the applicant’s business.

Since the properties to the north, south, west and east have residential zoning, screening and buffer landscaping would be required around the site. The compatibility setback standards would be required around property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. All these conditions, but not limited to these conditions, would be required if the zoning request is approved.

At the MAPC hearing on April 24, 2003, a motion was made to approve the zoning change request with “PO” Protective Overlay #127, but prior to a second on the motion, a substitute motion was made, with a second, to deny the zoning change request. The motion to deny was defeated by a 4-8 vote. Another motion to was made to approve a zoning change from “SF-5” to “OW” Office Warehouse, instead of the applicant’s requested “LI” zoning. The MAPC voted 6-5-1 to recommend approval of the “OW” zoning with the condition that the plat be completed within one (1) year and with “PO” #127 attached. The applicant agreed with the MAPC recommendation. One person spoke in opposition to the requested zoning change, because he felt the area should remain in residential use. The provisions of “PO” #127 are:

- (1) The following uses shall not be permitted:
 - (a) Adult entertainment; microbrewery; liquor store; nightclub; tavern and drinking establishment; multi-game, casino-style gambling facility; pawnshop; tattooing and body piercing.
 - (b) Group residence, limited and general; correctional placement residence, limited and general; correctional facility; day reporting center and drug & alcohol rehabilitation center; Group home, commercial, limited and general; funeral home; personal care service; personal improvement service
 - (c) Asphalt or concrete plant, limited and general; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; gas and fuel storage and sales; wrecking or salvage yard; recycling process center; recycling station private and public; manufacturing general; transfer station; welding or machine shop; agricultural processing and landfill.
 - (d) Vehicle and equipment sales, outdoors; car wash; vehicle repair, limited and general; vehicle storage yard; billboards; wireless communication facility; second hand store; construction sales and service; convenience store; hotel - motel; printing and coping, general

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- and limited; recreation & entertainment, indoor and outdoor; fast food restaurant and restaurant; service station; bank or financial institution; broadcast radio station; funeral home; hospital; retail general; wholesale or business service; and outdoor storage and self-storage
- (e) Animal care limited and general and kennel hobby, boarding, breeding and training.
- (2) Compatibility setback standards shall be implemented as well as screening and landscape buffering, per the Unified Zoning Code and the Landscape Code.
- (3) No outdoor work, outdoor storage or outdoor display shall be permitted.
- (4) All buildings shall be designed and built of materials that compliment the residential character of the single-family residential area.
- (5) No outside amplification systems
- (6) All outside lighting shall be directed onto the site and be no taller than 15-feet.
- (7) No structure shall be higher than 35-feet.
- (8) Private on site sewage system would have to be approved by Environmental Health. A restrictive covenant would be required limiting disposal of waste. No hazardous material or waste allowed to be disposed of on site.

At the DAB II meeting May 3, 2003, DAB II voted to deny the zoning change request 7-2. A request was made by the applicant to revisit the item for more discussion as the applicant had additional comments regarding the zoning change request. After further discussion, DAB II voted a second time, 8-1, to deny the zoning change request. Several individuals at the DAB II meeting spoke in opposition to the requested zoning change. Protest petitions representing 25.35% of the net protest area have been filed. Protest of 20% or better trigger a $\frac{3}{4}$ majority vote (6 of 7) by the Council to approve the request. An additional 11 protests outside the protest area were also filed in opposition to the zoning change.

Council Member Schlapp Council Member Schlapp said businesses should be encouraged to stay in the City; however, there are problems and this site is not the best for the application. Residents in the area have great concern and protests over 25 percent were received.

Motion -- carried Schlapp moved that the Zoning request be denied. Motion carried 7 to 0.

AIRPORT AGENDA

AIRPORT

TERMINAL BUILDING SECOND FLOOR REMODEL.

Agenda Report No. 03-0554

On January 14, 2003, City Council approved a project budget of \$50,000 for architectural services to remodel the second floor of the Terminal Building. The space is being remodeled to accommodate the Transportation Security Administration (TSA), who will be leasing the space from the Wichita Airport Authority.

Gossen Livingston Associates, Inc. has completed the design services required for the remodel of the second floor, west end of the Terminal Building.

It is requested that a total budget of \$935,000 be approved for the completion of the project. It is estimated that remodel of the basic shell will be funded with General Obligation Bonds paid with airport revenue, and will be recovered through rentals to the TSA. The TSA has agreed to reimburse the Airport for the tenant-finish portion of the improvements.

Motion -- carried Mayans moved that the budget be approved. Motion carried 7 to 0.

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HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

Mayans moved that the Housing Agenda be approved as consent Items. Motion carried 8 to 0.

GRANT APP.

GRANT APPLICATION FOR RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY PROGRAM.

Agenda Report No. 03-0555

On October 21, 1998, the Quality Housing and Work Responsibility Act (QHWRA) of 1998 was signed into law. Section 538 of the reform act added a new section to the United States Housing Act of 1937, which provides a mandate to link services and public housing residents for economic self-sufficiency.

The Department of Housing and Urban Development has issued a Notice of Funding Available for the Resident Opportunities and Self Sufficiency (ROSS) program. This program includes a provision for grants to promote independent living for the elderly and persons with disabilities. The Wichita Housing Authority (WHA), Public Housing Division, was awarded \$200,000 for the 2000 ROSS Grant application with the Sedgwick County Department on Aging as the WHA's partner and contract administrator. The three-year program has been well received and utilized by the 226 elderly and disabled households in Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutcherson apartment complexes.

The purpose of the ROSS Program is to provide linkages to public housing residents by providing supportive services, resident empowerment activities and assisting residents in becoming self-sufficient. This program's purpose is consistent with HUD's goal to most effectively focus resources on independent living for the elderly and persons with disabilities. If awarded, the Grant will enable Public Housing to continue the level of services currently provided to its clients.

The staffs of the WHA and Sedgwick County Department on Aging have developed a Resident Service Delivery Program which will continue to enhance the livability of Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutcherson apartment complexes for Public Housing residents. The program will assist residents with housekeeping, transportation and companionship needs at a nominal cost to the resident. The WHA will be applying for the maximum grant award for Housing Authorities with 218 – 1155 elderly and non-elderly disabled units, which is total of \$200,000.00 for a three-year program. Under the proposal, the services would be provided by the Sedgwick County Department on Aging in partnership with the WHA. The deadline for the submission of the application is June 11, 2003.

The notice of funding requires a 25% match, which may be in-kind. The match will be provided by the Department on Aging and the Wichita Housing Authority through the provision of space and other in-kind overhead costs. No local tax funds will be required for this program.

If the Grant application is awarded, the Wichita Housing Authority will enter into a contract with Sedgwick County for the Department on Aging to administer the program.

Motion --

-- carried

Mayans moved that the Application and receipt of funds, subject to Certification of Consistency with the Consolidated Plan, and the Contract be approved; and the necessary signatures be authorized. Motion carried 8 to 0.

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FSS PROGRAM

GRANT APPLICATION – FAMILY SELF-SUFFICIENCY PROGRAM COORDINATOR POSITION.

Agenda Report No. 03-0556

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the continued funding of the Family Self Sufficiency (FSS) Program Coordinator position. The NOFA also allows housing authorities to request funding for one additional FSS program coordinator to support homeownership activities for its FSS program participants.

The FSS program is a requirement established by HUD several years ago as a condition of receiving additional Section 8 vouchers. The program is voluntary for any given tenant, however, it establishes a considerable incentive for Section 8 tenants to increase their income potential and eventually become independent of public assistance. The FSS coordinator works with the program participants to facilitate the connection with community resources for job training, education, and other services that would enable Section 8 clients to achieve self-sufficiency. While not a goal required by HUD, numerous FSS participants have entered the Homeownership 80 program and/or the Section 8 homeownership program upon completion of the FSS program and have become homeowners.

The FSS program is a HUD requirement. Housing authorities administering a Section 8 program must offer the FSS program.

The amount of the application is \$169,685. This amount would cover the salary and fringe benefits of two family self-sufficiency program coordinators currently employed and one additional coordinator to support homeownership activities. This funding will enable the housing authority to employ the staff required to administer the program.

Motion --
-- carried

Mayans moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 8 to 0.

PUBLIC HOUSING

PUBLIC HOUSING OCCUPANCY REPORT.

Agenda Report No. 03-0557

This update provides the current vacancy status of the 575 Public Housing rental units including 226 elderly – disabled apartments and 349 single-family dwellings. This includes vacant units in the process of being made ready by maintenance for lease, those in the Capital Fund Program for major rehabilitation and units that have been made ready for lease.

As of May 9, 2003, 14 units are in make ready status, 0 units are in the Capital Fund Program and 8 units are ready to be leased. The total of 22 vacancies represents an occupancy rate of 96.2%. Property Managers leased 7 units during the month of April. It is projected that approximately 100 units will be vacated and reoccupied in 2003.

Motion -- carried

Mayans moved that the report be received and filed. Motion carried 8 to 0.

SECTION 8

SECTION 8 STATISTICAL MONTHLY.

Agenda Report No. 03-0558

SUBJECT:

Section 8 Statistical Monthly Report

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2589 allocations.

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April 2003

Program	Number Allocated	Number Committed	Over (Under) Committed	Annual Lease-up	Annual Rate
Voucher	2366	2527	161	2527	106.8%
SPC	102	69	(33)		
Mod Rehab	58	39	(19)		
Portable	33	33	0		
TOTAL	2559	2668	109		

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion -- carried Mayans moved that the report be received and filed. Motion carried 8 to 0.

HOUSING CIP

PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 03-0559

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA Public Housing rental inventory to ensure the long-term physical and social viability of Public Housing developments, which includes 226 elderly - disabled apartments and 349 single-family dwellings. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report covers the current status of all Capital Fund improvement projects.

The 2002 Capital Fund grant is in the amount of \$1,159,577. The Department of HUD has not made the formula allocations for the 2003 Grant at this time of this report. The 2001 Capital Fund Grant is fully expended and has a pre-audit closure. Attached is the summary of the capital improvement projects scheduled for the 2002 through 2006 Capital Fund grant years. The 2003 through 2006 budgeted amounts are estimated on the basis of the 2002 grant amount.

Motion -- carried Mayans moved that the report be received and filed. Motion carried 8 to 0.

EXECUTIVE SESSION

Motion -- Mayans moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, and legal advice; and the City Council return no earlier than 11:50 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 11:25 a.m. and reconvened at 11:55 a.m.

Mayor Mayans Mayor Mayans announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:56 a.m.

Pat Graves CMC
City Clerk